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8 **BACKWEB TECHNOLOGIES, LTD.**
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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 BACKWEB TECHNOLOGIES, LTD.,

14 Plaintiff,

15 v.

16 MICROSOFT CORPORATION;
17 IANYWHERE SOLUTIONS, INC.; SYBASE,
INC.; and SYMANTEC CORPORATION
18

19 Defendants.
20
21

Case No. CV 09-1224 CW

**STIPULATED MOTION TO EXTEND
CERTAIN DATES RELATING TO
CLAIMS CONSTRUCTION AND
22 ~~PROPOSED~~ ORDER**

23 Pursuant to stipulation by and between the parties hereto, plaintiff BackWeb
Technologies, Ltd. ("BackWeb") and defendants Microsoft Corporation ("Microsoft"); and
24 Symantec Corporation ("Symantec"), through their respective attorneys of record, hereby
25 request that the Court set the dates of certain events relating to claims construction in this
26 patent case, on the dates set forth below.
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An Initial Case Management Conference was held in this case on September 15, 2009. Prior to the conference, on September 9, 2009, the parties submitted their Joint Case Management Statement, which set forth proposed pre-trial dates, including dates for certain activities relating to claim construction provided by Patent Local Rules 3.1, 3.2, 4.1, 4.2, 4.3, 4.4. To the recollection of the parties, at the conference the Court approved the proposed dates for events provided-for in the afore-mentioned Patent Local Rules, although these dates were not set forth in the Minute Order and Case Management Order filed September 22, 2009.

The parties wish to set dates for these activities that are extended approximately six weeks from the dates proposed in the Joint Case Management Statement. The parties submit that the case schedule set by the Court in its September 22, 2009 order allows times for the extended dates, because therein the Court set a date of November 1, 2010 for the filing, all in one brief, of plaintiff's dispositive motions, Claims Constructions briefs and motion to limit or exclude expert testimony. The parties represent that this extension will not delay any dates set forth in the Court's order. Accordingly, the parties stipulate and request that the Court order the following deadlines for the following case events:

Event	Dates
Exchange of Proposed Terms and Claim Elements for Construction [Pat. L.R. 4.1.a-b.]	January 11, 2010
Simultaneous Exchange of Preliminary Claim Constructions and Preliminary Identifications of Extrinsic Evidence [Pat. L.R. 4.2.a-b.]	February 1, 2010
Simultaneous Exchange of Responsive Claim Constructions	February 17, 2010
Filing of Joint Claim Chart, Worksheet and Hearing Statement [Pat. L.R. 4.3]	February 23, 2010
Completion of Claim Construction Discovery [Pat. L.R. 4.4]	October 22, 2010

1 Dated: December 1, 2009

Respectfully submitted,

3 /s/ George F. Bishop

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17 *SYMANTEC CORPORATION*

18 **CERTIFICATION PURSUANT TO GENERAL ORDER 45**

19 Pursuant to General Order 45X.B, I, George F. Bishop, attest that the above
20 signatories for the Defendants have concurred and consented to the filing of this document.

21 DATED: December 1, 2009

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23 /s/ George F. Bishop
George F. Bishop

PURSUANT TO STIPULATION IT IS ORDERED THAT

The parties to this action will comply with the dates set forth in the accompanying
Stipulated Motion.

Dated: December ¹⁰____, 2009



Honorable Claudia Wilken
U.S. DISTRICT COURT JUDGE